

### **DETAILED ACTION**

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 21, 2008 has been entered.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney William L. Klima on July 29, 2008.

The application has been amended as follows:

**Claim 40** (Currently Amended) An attachment for a two-part IOL configured to be inserted through a small incision in an eye, said attachment comprising:

a lens optic;

a lens haptic configured to be inserted through the small incision in the eye without being folded, said lens haptic being more rigid than said lens optic;



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at least two cleats provided on said lens haptic; and

at least two stretchable eyelets provided in said lens optic and configured to be stretched to firmly attach to respective said cleats provided on said lens haptic; wherein said lens haptic includes:

a first rigid element;

a second rigid element, said first and second rigid elements are separated from one another at a discontinuity; and

a relatively less rigid element formed of a relatively lower modulus material than said first and second rigid elements, said relatively less rigid element bridging said discontinuity.

**Claim 54** has been cancelled.

**Claim 55** (Currently Amended) The attachment for a two-part IOL of Claim 54 40, wherein said bridging allows for the second element to be rotated into the anterior chamber.

**Claim 62** (Currently Amended) The attachment for a two-part IOL of Claim 54 40, wherein said lower modulus material is an elastomer selected from the group consisting of: silicones, urethane, or hydrophilic acrylics.

**Claim 63** (Currently Amended) The attachment for a two-part IOL of Claim 54 40, wherein said lower modulus material has a modulus of about 100 to about 1000 psi.



**Claim 64** (Currently Amended) The attachment for a two-part IOL of Claim ~~54~~ 40, wherein said lower modulus material has a hardness of about 15 to 70 on the shore A scale.

**Claim 65** (Currently Amended) The attachment for a two-part IOL of Claim ~~54~~ 40, wherein said higher modulus material has a hardness of 60 to 95 shore D.

**Claim 66** (Currently Amended) The attachment for a two-part IOL of Claim ~~54~~ 40, wherein said lower modulus material is selected from the group consisting of: NUSIL MED 6600, 6604, 6607, 6400, and 6820.

**Claim 70** (Currently Amended) The attachment for a two-part IOL of Claim ~~54~~ 40, wherein said lower modulus material is applied by surface treatment and molding.

**Claim 77** (Currently Amended) ~~The~~ An attachment for a two-part IOL configured to be inserted through a small incision in an eye, said attachment comprising:

a lens optic;

a lens haptic configured to be inserted through the small incision in the eye without folding said lens haptic, said lens haptic being more rigid than said lens optic;

at least two cleats provided on said lens optic, said cleats extending generally in a plane of said lens optic; and



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at least two stretchable eyelets provided in said lens haptic and configured to be stretched to firmly attach to respective said cleats provided on said lens optic; wherein said lens haptic includes:

a first rigid element;

a second rigid element, said first and second rigid elements are separated from one another at a discontinuity; and

a relatively less rigid element formed of a relatively lower modulus material than said first and second rigid elements, said relatively less rigid element bridging said discontinuity.

**Claim 78** (Currently Amended) An attachment for a two-part IOL configured to be inserted through a small incision in an eye, said attachment comprising:

a lens optic configured to be inserted through the small incision into the eye;

a lens haptic configured to be inserted through the small incision into the eye without folding said lens haptic, said lens haptic being more rigid than said lens optic;

at least two cleats provided on said lens optic, said cleats extending generally in a plane of said lens optic; and

at least two stretchable eyelets provided in said lens haptic and configured to be stretched to firmly attach to respective said cleats provided on said lens optic,

wherein said optic and said haptic are each configured to pass separately, completely through a small incision without folding the haptic, and wherein said cleats on the optic extend generally in the plane of the optic; wherein said lens haptic includes:

a first rigid element;



a second rigid element, said first and second rigid elements are separated from one another at a discontinuity; and

a relatively less rigid element formed of a relatively lower modulus material than said first and second rigid elements, said relatively less rigid element bridging said discontinuity.

**Claim 79** (Currently Amended) An attachment for a two-part IOL configured to be inserted through a small incision in an eye, said attachment comprising:

a lens optic configured to be ~~independently~~ independently inserted through the small incision in the eye;

a lens haptic configured to be independently inserted through the small incision in the eye without folding said lens haptic;

at least two cleats provided on said lens haptic; and

at least two stretchable eyelets provided in said lens optic and configured to be stretched to firmly attach to respective said cleats provided on said lens haptic; wherein said lens haptic includes:

a first rigid element;

a second rigid element, said first and second rigid elements are separated from one another at a discontinuity; and

a relatively less rigid element formed of a relatively lower modulus material than said first and second rigid elements, said relatively less rigid element bridging said discontinuity.



### **Reasons for Allowance**

The following is an examiner's statement of reasons for allowance: the Prior Art does not disclose or suggest an attachment for a two-part IOL comprising the combination of structural and functional limitations recited in independent claims 40 and 77-79, particularly at least two stretchable eyelets configured to be stretched to firmly attach to respective cleats, and wherein the lens haptic includes a first rigid element; a second rigid element, said first and second rigid elements are separated from one another at a discontinuity; and a relatively less rigid element formed of a relatively lower modulus material than said first and second rigid elements, said relatively less rigid element bridging said discontinuity.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javier G. Blanco whose telephone number is 571-272-4747. The examiner can normally be reached on M-F (9:00 a.m.-7:00 p.m.), first Friday of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Isabella can be reached on (571)272-4749. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and After Final communications. Any inquiry of a general nature or relating to



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the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Javier G. Blanco/

Examiner, Art Unit 3774

/Dave Willse/

Primary Examiner, Art Unit 3738